CWP No. 1854/07

14.11.2007 Present: Mr. Rakesh Manta, counsel for the petitioner.

Mr. M.S.Chandel, AG with Mr. R.M.Bisht,
Dy.A.G. for State -respondent No.1.

The petitioner filed an application for correction of revenue entries claiming that he is in possession of land measuring 0-37-62 hectares comprising khasra No.794/1 in Up-muhal Thapasaring, Tehsil Sangla, District Kinnaur,HP.

The case of the petitioner is totally based on an agreement to sell dated 31.10.1992 purportedly entered into between the owner Shri Puran Bhagat, predecessor-in-interest of respondents 2 to 5 and the petitioner. Admittedly, no sale deed in terms of the agreement to sell has been executed.

The petitioner's case was rejected by the Assistant Collector. The petitioner filed an appeal before the Collector, who set aside the order of the Assistant Collector and held that the Assistant Collector should determine who is in possession of the land and it is the duty of the revenue officer to enter the name of a person who is actually in occupation and possession of the land in question in the revenue record. Thereafter the Collector got enquiries conducted from the Gram Panchayat as well as from the Halqua Patwari. The President of the Gram Panchayat, in his report stated that Puran Bhagat had handed over the possession of the land to the

petitioner and there was no proof that thereafter Ishwari Devi was dispossessed from the land in question. The Panchayat specifically stated that Patwari would be the best person to give the name of a person who is in actual possession of the land and the Panchayat has no knowledge thereof. Thereafter the report of the Field Kanungo was called for, who reported that it is Puran Bhagat who is in possession of the land. It on this basis that the petitioner's case was rejected.

It has been found by all the revenue courts that the petitioner is not in possession of the land in question from 1997. This is a pure finding of fact which calls for no interference in exercise of our extra-ordinary writ jurisdiction. The writ petition is accordingly dismissed.

The petitioner may take recourse to such legal remedies which may be available to him under law.

(Deepak Gupta),J.

November 14, 2007. (V.K.Ahuja), J.

s.